

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

BRAUN GmbH,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 03-CV-12428-WGY
)	
RAYOVAC CORPORATION,)	
)	
Defendant.)	

**STIPULATION BETWEEN RAYOVAC AND BRAUN REGARDING THE DISMISSAL
OF UNITED STATES PATENT NO. 5,649,556**

IT IS HEREBY STIPULATED AND AGREED, by Plaintiff Braun GmbH, ("Braun") and Defendant Rayovac Corporation ("Rayovac") through their respective undersigned counsel that:

1. Pursuant to Fed. R. Civ. P. 41(a)(1)(ii):
 - a. Braun hereby dismisses with prejudice all claims for infringement of U.S. Patent No 5,649,556 ("the '556 patent") asserted in the Second Cause Of Action in the Second Amended Complaint filed on June 27, 2005 with respect to any products sold within the United States or imported into the United States, by Rayovac on or before the date on which this Stipulation is executed by Plaintiff. Braun hereby dismisses without prejudice its claim for correction of inventorship of the '556 patent as set forth in the Fourth Cause Of Action in the Second Amended Complaint filed on June 27, 2005.
 - b. Nothing herein shall be deemed to withdraw, or otherwise affect, Plaintiff's claims for infringement of United States Patent No. 5,711,328 (the "'328 patent") or Plaintiff's claim for correction of inventorship of the '328 patent, as set forth in the Second Amended Complaint.
 - c. Rayovac hereby dismisses without prejudice all affirmative defenses and

counterclaims asserted against Braun related to the '556 patent. Nothing herein shall be deemed to withdraw, or otherwise affect, Rayovac's affirmative defenses and/or counterclaims related to the '328 patent, as set forth in Rayovac's Second Amended Answer.

DATED: September 23, 2005

/s/ William L. Patton

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